

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE**

**BROOKE M. SEVIER,**  
*Plaintiff/Wife,*

v.

**MARK C. SEVIER,**  
*Defendant/Husband.*

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)  
)

**DOCKET No. 3:11-cv-00247**

**PLAINTIFF/WIFE'S OBJECTION TO REMOVAL**

COMES now the Plaintiff/Wife, Brooke M. Sevier, by and through counsel, pursuant to 28 U.S.C.A. 1447(c), and respectfully moves this Court for an Order remanding this case back to the Fourth Circuit Court of Davidson County, Tennessee, a divorce court, from which it was removed by a Notice of Removal filed March 16, 2011. For cause, Wife would show to this Honorable Court as follows:

1. Wife filed her Complaint for Legal Separation in the 4<sup>th</sup> Circuit Court for Davidson County, Tennessee, on September 2, 2010. (Certified Copy attached as **Exhibit 1**)
2. Wife filed her Amended Complaint for Legal Separation or Divorce in said Court on September 17, 2010. (Certified Copy attached as **Exhibit 2**)
3. Husband filed his initial Answer in State Court on October 29, 2010. The caption of this document did not fully state its content, as it also contained a third-party complaint against the Wife's father, Frank McGuyer who is Texas resident, as well as a prayer for relief. (A certified copy of said Answer is attached hereto as **Exhibit 3**)
4. Husband filed his First Amended Complaint for Separation or Divorce Facts in the State Court on February 18, 2011, which was attached to his Notice of Removal. This filing was not actually a complaint. Instead, it was an amended answer, with counter-claims and third-party claims; and it added a second third-party defendant, which was Wife's

counsel, Helen Sfikas Rogers, a Tennessee resident.

5. During the pendency of this case, both Husband and Wife filed multiple motions. (A Docket Sheet showing the State Court filings in this matter is attached hereto as **Exhibit 4**). The Husband was present in the State Court for all motion hearings, with the exception of the first ones, and represented himself *pro se* during most of the pendency of this cause.
6. Husband filed his Notice of Removal on March 16, 2011, and provided this Court with a copy of his First Amended Complaint for Separation or Divorce Facts as the basis for removal, claiming that its third-party claims gave rise to diversity jurisdiction despite litigating this matter in State Court for the prior six months. Furthermore, Husband now claims that he is a resident of California to support removal of this case to Federal Court. However, Husband has admitted that he contacted the landlord of the marital residence in Nashville, Tennessee to prevent the lease from being terminated, because he was still living in the marital residence despite Wife being in Texas. (See Husband's First Amended Complaint for Separation or Divorce Facts at page 123).
7. Wife would show to this Honorable Court that removal of this case is impermissible because:
  - a. It is well-settled that domestic relations cases are exempt from removal from State Courts to Federal Courts when such removal is based upon diversity jurisdiction. (A Memorandum of Law regarding this exception and other relevant law has been filed concurrent with the filing of this Objection);
  - b. Husband's act of filing a permissive third-party claim on October 29, 2010 constitutes a waiver of his right to remove the case to Federal Court;

- c. Under 28 U.S.C.A. §1446(b), if a cause of action is not removable at the inception of a case, then it only becomes removable because of some action taken by the Plaintiff. Diversity jurisdiction cannot arise from an action of a Defendant, and Husband is the Defendant in this divorce case. In other words, a Defendant cannot file a pleading in State Court that creates diversity jurisdiction and then remove the case to Federal Court.

**WHEREFORE**, the Plaintiff/Wife prays that this Court remand this case back to the Fourth Circuit Court of Davidson County, Tennessee, at Nashville. Furthermore, the Plaintiff/Wife prays that this Court find such removal was improper and award the Plaintiff/Wife attorney fees pursuant to 28 U.S.C.A. § 1447(c).

**Respectfully Submitted,**

/S/ **HELEN SFIKAS ROGERS**  
**HELEN SFIKAS ROGERS, No. 7025**  
**ROGERS, KAMM & SHEA**  
Attorneys for Plaintiff/Wife  
*The Wind in the Willows Mansion*  
2205 State Street  
Nashville, Tennessee 37203-1850  
(615) 320-0600 (Telephone)  
(615) 320-9933 (Facsimile)  
**HELEN37203@AOL.COM**

## **CERTIFICATE OF SERVICE**

The undersigned certifies that on the 23<sup>rd</sup> day of March 2011, a true and correct copy of a true and correct copy of the foregoing *Objection to Removal* has been forwarded to the person(s) listed below:

**Mark C. Sevier a/k/a Chris Sevier, *pro se***  
**c/o Severe Records, LLC**  
**44 Music Square East, #314**  
**Nashville, TN 37203**

by the method identified as follows:

  X   U. S. Mail, Postage Prepaid  
      Hand Delivered  
      Facsimile  
      Overnight Delivery  
      Email

/S/ **HELEN SFIKAS ROGERS**  
**HELEN SFIKAS ROGERS**

copy

# FOURTH CIRCUIT

IN THE \_\_\_\_\_ COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

2010 SEP -2 PH 2:31

BROOKE M. SEVIER,  
*Plaintiff/Wife,*

vs.

MARK C. SEVIER,  
*Defendant/Husband.*

RICHARD R. ROCHER, CLERK

DOCKET # 10D2466

## COMPLAINT FOR LEGAL SEPARATION

1. Plaintiff, **BROOKE M. SEVIER**, (hereinafter called "WIFE"), is married to Defendant, **MARK C. SEVIER**, (hereinafter called "HUSBAND"). The following is the statistical information pertaining to said parties required by *Tennessee Code Annotated* §36-4-106:

### WIFE:

- a. Full maiden name of Wife: Brooke Ashley McGuyer
- b. Race: Caucasian
- c. Residence Address: 3110 West End Circle, #4  
Nashville, TN 37203  
As of August 15, 2010  
11007 Wickwood Drive  
Houston, TX 77024
- d. Length of residence in Davidson Co: 6 years
- e. Date and Place of Birth: February 1, 1980, Houston, TX
- f. Number of Previous Marriages: None
- g. Member of Armed Services: No
- h. Employer: Self employed – Mother

### HUSBAND:

- i. Full name of Husband: Mark Christopher Sevier
- j. Race: Caucasian
- k. Residence address: 3110 West End Circle, #4  
Nashville, TN 37203
- l. Length of residence in Davidson Co: 9 years
- m. Date and Place of Birth: April 18, 1977, Birmingham, AL

- n. Number of Previous Marriages: None
- o. Member of Armed Services: Yes, 1<sup>st</sup> Lt. Jag Officer, Army National Guard
- p. Employer: Self-employed – Severe Records
- q. Date and Place of Marriage: June 12, 2004, Houston, TX
- r. Date of Separation: August 15, 2010
- s. Residence at Separation: 3110 West End Circle, #4  
Nashville, TN 37203
- t. Minor children born of Marriage: One, John Parker Sevier  
Date of Birth: May 13, 2010
- u. Grounds for Legal Separation: Inappropriate Marital Conduct and  
Abandonment
- v. Description of any other litigation concerning the custody of these children in this or any other state in which either party has participated: None
- w. Do you currently have an Order of Protection in force in the Circuit Court of Davidson County, TN: No

2. Wife would show to the Court that the Husband is guilty of inappropriate marital conduct and abandonment as will be shown at the hearing of this cause.

3. Wife would show to the Court that she and the minor child have relocated to her parents' home in Houston, Texas, after Husband abandoned her and the minor child on or about August 15, 2010, to relocate in Los Angeles, California, to make it in the music business. Wife needs family, financial and emotional support at this difficult time.

4. Wife would show to the Court that the parties have accumulated certain personal property and debts. Wife anticipates that the parties will enter into an Agreement or Agreed Order regarding their marital estate and would request that the Court approve said Agreement or Order and incorporate it into the Court's final order, or alternatively make an equitable division of the marital estate at the time of the legal separation.

5. Wife would show to the Court that there is one child born of this marriage: John Parker Sevier, born May 13, 2010. The minor child has lived with the parties at 3110 West End Circle #4,



Nashville, Tennessee 37203 from the date of his birth until August 15, 2010, and with the Mother at 11007 Wickwood Drive, Houston, Texas 77024 from August 15, 2010, to the present time. Mother is not aware of any other litigation pending in the State of Tennessee or any other State which involves the custody of the minor child. Mother is the fit and proper person to be named the primary residential parent of the minor child and Father be designated as the alternate residential parent.

6. Wife is economically disadvantaged and she is in need of support, *pendente lite*, rehabilitative, transitional or *in solido*.

**WHEREFORE, Wife prays that:**

1. She be granted a legal separation from the Husband on the grounds of inappropriate marital conduct and abandonment.

2. This Honorable Court adopt the Legal Separation Agreement of the parties as part of its Final Order; and/or alternatively, the Court make an equitable distribution of the assets and liabilities of this marriage at the time of the legal separation.

3. The parties be required to abide by the statutory injunctions pursuant to the provisions of T.C.A. 36-4-106(d) attached hereto as **Exhibit A**.

4. This Honorable Court adopt Mother's temporary parenting plan as attached hereto as **Exhibit B** and her permanent parenting plan and that the Mother be named the primary parent and decisionmaker for the minor child and that the Father be designated as the alternate residential parent and that Father pay child support according to the guidelines.

5. Wife be awarded alimony that is transitional, *in solido*, rehabilitative and *pendente lite* as necessary for her support and maintenance and based on her being economically disadvantaged.

6. The Court allow the parties to separate and the Mother to reside with the minor child to the Houston, Texas, area where her family resides.

7. For such further and general relief to which Wife may be entitled, including an award of the costs of this cause, including reasonable attorney fees and discretionary costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Helen S. Rogers', written over a horizontal line.

HELEN S. ROGERS, NO. 725

Attorney for Plaintiff/Wife  
ROGERS, KAMM & SHEA  
*Wind in the Willows Mansion*  
2205 State Street  
Nashville, Tennessee 37203  
(615) 320-0600 (Telephone)



OATH

STATE OF Texas }

COUNTY OF Harris }

I, **BROOKE MCGUYER SEVIER**, being first duly sworn, make oath that I have read the foregoing Complaint for Legal Separation, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief; that this Complaint is not made out of levity, or by collusion with the Defendant, but in sincerity and truth, for the causes mentioned therein.

Brooke M Sevier  
**BROOKE MCGUYER SEVIER, AFFIANT**

Sworn to and subscribed before me on this the 1st day of Sept, 2010.



Christine R Ransom  
**NOTARY PUBLIC**

My Commission Expires: 10/3/13

FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
2009 JUL 27 PM 1:55

RICHARD R. ROOKER, CLERK

IN RE: Parenting Seminar

 D.C.ORDER

It is hereby **ORDERED, ADJUDGED** and **DECREED** that in all divorce cases filed, where there are children who will be subject to the jurisdiction of the Court, the divorcing parents shall have 60 (sixty) days from the date of filing the Divorce Complaint within which to complete the statutorily mandated parenting seminar and file the certificate from the seminar in the Circuit Court Clerk's office. If the parties are filing an uncontested/irreconcilable differences Divorce Complaint, the parties may opt to file a "Motion to Exempt" themselves from the parenting seminar if an Agreed Permanent Parenting Plan is filed with the Court.

ENTERED this 27<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
PHILIP E. SMITH, JUDGE

**STATE OF TENNESSEE**

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I, **RICHARD R. ROOKER**, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the COMPLAINT FOR LEGAL SEPARATION heretofore entered in the FOURTH Circuit Court for Davidson County, Tennessee, on the 02 day of SEPTEMBER, 2010, in the Case Number 10D2466 between SEVIER, BROOKE M. Plaintiff, and SEVIER, MARK C. ET.AL Defendant.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 22 day of MARCH in the year two thousand eleven and in the 234th year of American Independence.

**RICHARD R. ROOKER**, Clerk,

By C. Hagan  
Deputy Clerk

SEAL



IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

2010 SEP 17 PM 3:38

RICHARD R. ROOKER, CLERK

BROOKE M. SEVIER,  
*Plaintiff/Wife,*

vs.

MARK C. SEVIER,  
*Defendant/Husband.*

DOCKET No. 10D-2466

AMENDED COMPLAINT FOR LEGAL SEPARATION OR DIVORCE

1. Plaintiff, **BROOKE M. SEVIER**, (hereinafter called "WIFE"), is married to Defendant, **MARK C. SEVIER**, (hereinafter called "HUSBAND"). The following is the statistical information pertaining to said parties required by *Tennessee Code Annotated* §36-4-106:

**WIFE:**

- a. Full maiden name of Wife: Brooke Ashley McGuyer
- b. Race: Caucasian
- c. Residence Address: 3110 West End Circle, #4  
Nashville, TN 37203  
**As of August 15, 2010**  
11007 Wickwood Drive  
Houston, TX 77024
- d. Length of residence in Davidson Co: 6 years
- e. Date and Place of Birth: February 1, 1980, Houston, TX
- f. Number of Previous Marriages: None
- g. Member of Armed Services: No
- h. Employer: Self employed – Mother

**HUSBAND:**

- I. Full name of Husband: Mark Christopher Sevier
- j. Race: Caucasian
- k. Residence address: 3110 West End Circle, #4  
Nashville, TN 37203
- l. Length of residence in Davidson Co: 9 years
- m. Date and Place of Birth: April 18, 1977, Birmingham, AL
- n. Number of Previous Marriages: None
- o. Member of Armed Services: Yes, 1<sup>st</sup> Lt. Jag Officer, Army National Guard



p.	Employer:	Self-employed – Severe Records
q.	Date and Place of Marriage:	June 12, 2004, Houston, TX
r.	Date of Separation:	August 15, 2010
s.	Residence at Separation:	3110 West End Circle, #4 Nashville, TN 37203
t.	Minor children born of Marriage:	One, John Parker Sevier Date of Birth: May 13, 2010
u.	Grounds for Divorce or Legal Separation:	Inappropriate Marital Conduct and Abandonment
v.	Description of any other litigation concerning the custody of these children in this or any other state in which either party has participated:	None
w.	Do you currently have an Order of Protection in force in the Circuit Court of Davidson County, TN:	No

2. Wife would show to the Court that the Husband is guilty of inappropriate marital conduct and abandonment as will be shown at the final hearing of this cause.

3. Wife would show to the Court that she and the minor child have relocated to her parents' home in Houston, Texas, on or about August 15, 2010, after Husband abandoned her and the minor child to relocate in Los Angeles, California, to make it in the music business. Wife needs family, financial and emotional support at this difficult time.

4. Wife initially filed for a legal separation because she would have preferred their marriage be salvaged. She cannot, however, live with the Husband given his current actions, activities and unwilling to change, and thus, alternatively seeks an absolute divorce from Husband based on his inappropriate marital conduct and abandonment of her and the parties' minor child.

5. Wife would show to the Court that the parties have accumulated certain personal property and debts. Wife anticipates that the parties will enter into a Marital Dissolution Agreement regarding their marital estate and would request that the Court approve said Marital Dissolution Agreement and

incorporate it into the Court's final order, or alternatively make an equitable division of the marital estate at the final hearing of this cause.

5. Wife would show to the Court that there is one child born of this marriage: John Parker Sevier, born May 13, 2010. The minor child has lived with the parties at 3110 West End Circle #4, Nashville, Tennessee 37203 from the date of his birth until August 15, 2010, and with the Mother at 11007 Wickwood Drive, Houston, Texas 77024 from August 15, 2010, to the present time. Mother is not aware of any other litigation pending in the State of Tennessee or any other State which involves the custody of the minor child. Mother is the fit and proper person to be named the primary residential parent of the minor child.

6. Wife is economically disadvantaged and she is in need of support, *pendente lite*, rehabilitative, transitional or *in solido*.

**WHEREFORE, Wife prays that:**

1. She be granted a legal separation or divorce from the Husband on the grounds of inappropriate marital conduct; abandonment or irreconcilable differences and the parties restored to the rights of unmarried persons;

2. This Honorable Court adopt the Marital Dissolution Agreement of the parties as part of its Final Order; and/or alternatively, the Court make an equitable distribution of the assets and liabilities of this marriage.


3. The parties be required to abide by the statutory injunctions pursuant to the provisions of T.C.A. 36-4-106(d) attached hereto as **Exhibit A**.

4. This Honorable Court adopt Mother's temporary parenting plan as attached hereto as **Exhibit B** and her permanent parenting plan and that the Mother be named the primary parent and decision-maker for the minor child.



5. Husband be required to pay child support in accordance with the child support guidelines.
6. Husband be required to maintain major medical/hospitalization insurance on the Mother and the minor child.
7. Wife be awarded alimony that is transitional, *in solido*, rehabilitative and *pendente lite* as necessary for her support and maintenance and based on her being economically disadvantaged.
8. The Court allow the parties to separate and the Mother to continue to reside with the minor child in the Houston, Texas, area where her family resides.
9. For such further and general relief to which Wife may be entitled, including an award of the costs of this cause, including reasonable attorney fees and discretionary costs.

Respectfully submitted,

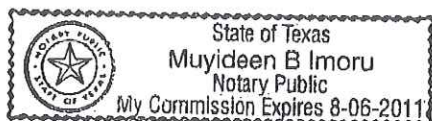
  
HELEN S. ROGERS, NO. 7250  
Attorney for Plaintiff/Wife  
ROGERS, KAMM & SHEA  
*Wind in the Willows Mansion*  
2205 State Street  
Nashville, Tennessee 37203  
(615) 320-0600 (Telephone)

OATH

STATE OF TEXAS }

COUNTY OF HARRIS }

I, **BROOKE MCGUYER SEVIER**, being first duly sworn, make oath that I have read the foregoing Amendment, know the contents thereof, and that the same is true and correct to the best of my knowledge, information and belief; that this Amendment is not made out of levity, or by collusion with the Defendant, but in sincerity and truth, for the causes mentioned therein.



BROOKE MCGUYER SEVIER  
**BROOKE MCGUYER SEVIER, AFFIANT**

Sworn to and subscribed before me on this the 16 day of September, 2010.

[Signature]  
**NOTARY PUBLIC**

My Commission Expires: 08-06-2011

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the AMENDED COMPLAINT FOR LEGAL SEPARATION OR DIVORCE heretofore entered in the FOURTH Circuit Court for Davidson County, Tennessee, on the 17 day of SEPTEMBER, 2010, in the Case Number 10D2466 between SEVIER, BROOKE M. Plaintiff, and SEVIER, MARK C. ET.AL Defendant.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 22 day of MARCH in the year two thousand eleven and in the 234th year of American Independence.

RICHARD R. ROOKER, Clerk,

By C. Hagan  
Deputy Clerk

SEAL



IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

Brooke Sevier

Plaintiff

v.

Defendant

Chris Sevier

v.

Frank McGuyer

Cross Defendant

) CASE NO:

) 10D-2466

) JURY DEMAND

) **FILED**

) simile Rec'd 10/22/10 @ 5:04pm

) OCT 22 2010

) RICHARD R. KUCALA, Clerk

By [Signature] Deputy

ANSWER

1. Admits, except for the fact that the Defendant's military status is currently in limbo after being discharged from active duty; the Defendant is not self employed through Severe Records LLC, which is a separate legal entity that the Defendant is employed by on some occasions; the grounds for divorce concerning abandonment and inappropriate marital conduct are improper and non-existent.
2. denies
3. denies
4. denies
5. Deny, the mother is suffering from severe mental illness and is unfit to be the primary residential custodian of the child. The child has lived in Houston Texas from mid June 2010 until present, except from August 12 - 15.
6. Deny, the wife is an interior designer as a sole proprietor. She is also an employee of Petite

15

EXHIBIT

3

Chateau. She has been performing interior design services for clients throughout the year and makes more the the Defendant, who recently returned from Combat is an effectively unemployed.

7. Denies. The differences of the parties are reconcilable. The relief requested is improper and undeserved.

### CROSS CLAIMS

#### TORTIOUS INTERFERENCE OF THE MARITAL CONTRACT

1. The Cross Defendant, Frank McGuyer, has systematically and continuously interfered with the couples relationship from 2004 up to the present date.
2. The Cross Defendant has made substantial and continuous bad faith attempts to compel the Plaintiff to terminate the marital contract with the Defendant for self serving reasons. The Cross Defendant has used his wealth and influence to induce the Plaintiff to terminate her marital contract with the Defendant.
3. The Cross Defendant's tortuous interference has injured the Defendant.

#### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

4. The Plaintiff and Cross Defendant have engaged in activity that a normal rational person



would find outrageous. This outrageous conduct has injured the Defendant.

5. The Plaintiff without warning had the couple's personal property removed from the couple's marital residence, which caused the Defendant emotional distress.

6. The Plaintiff filed for separation while residing in another state for abandonment. The Defendant drove to the Plaintiff's permanent residence to return her and the child to Tennessee. The Plaintiff refused to return with the Defendant, showing that her claim for abandonment was fraudulent. The Plaintiff and the Cross Defendant attempted to have the Defendant arrested without cause. The malicious prosecution attempt initiated by the Plaintiff and Cross Defendant caused the Defendant to experience emotional distress.

#### **BREACH OF CONTRACT**

7. The Defendant and Plaintiff agreed to engage in marital counseling with Andy Garner. The Defendant paid for the counseling sessions based on the Plaintiff's inducements. The Plaintiff willfully refused to communicate with the counselor, which caused the Defendant to lose the value of the contract for which he had paid.

#### **WRONGFUL ATTEMPT TO TERMINATE THE LEASE CONTRACT, BAD FAITH, BREACH OF CONTRACT**

8. The Plaintiff attempted to terminate the lease contract with the landlord in September 2010.



The Plaintiff and Defendant cosigned the lease at 3110 West End Circle, Nashville, TN 37203.

The Plaintiff and Defendant are jointly responsible for paying rent. The term of the lease continues. The Plaintiff's attempts to breach the lease and refusal to pay rent has injured the Defendant.

9. The Plaintiff falsely alleges that the Defendant abandoned her and the child. The Defendant attempted to bring the Plaintiff and child back to Tennessee. The Plaintiff is refusing to return to Tennessee and has in fact abandoned the Defendant. The Plaintiff attempted to terminate the couple's lease to the injury of the Defendant, as part of her efforts to abandon the Defendant.

**PARAMOUR AND CONSPIRACY TO COMMIT ADULTERY, BREACH OF  
CONTRACT AND INTERFERENCE WITH MARITAL RELATIONS**

10. In September 2008, the Plaintiff went to Houston to stay with the Cross Defendant, while the Defendant was on active duty preparing to deploy to Operation Iraqi Freedom. The cross Defendant created a situation that caused the Plaintiff to commit adultery with a third party, which interfered with the couple's marital contract.

11. The actions of the Plaintiff and the cross Defendant injured the Defendant.

**CROSS PETITION TO VOLUNTARILY TERMINATE PARENTAL RIGHTS  
CONTINGENT ON A DECISION TO GRANT A DIVORCE**

12. The Defendant would state that if this Court awards the Plaintiff with separation or divorce that the Defendant be permitted to voluntarily terminate his rights to the minor child of the

marriage. Permitting the infant to be adoptable may be in the overall best interest of the minor child if a divorce is awarded by this Court. Although the Defendant might be the father by law; he will unlikely ever be the father in fact. Whoever becomes the father in fact of the child, should likely have the right to become the father by law. This position is taken out of an abundance of good will for the Plaintiff and the child. The Defendant does not ask for this circumstance and the current actions of the Plaintiff are completely inconsistent with the promises that are at the center of the couple's marital covenant.

**WHEREFORE,**

1. The Defendant ask that the Plaintiff's complaint be dismissed with prejudice.
2. The sanctions be awarded against the Plaintiff's self serving attorney, Helen Rogers, who has a glaring conflict of interest by even taking this case and for knowingly filling a frivolous case for abandonment. And that Helen Rogers be disqualified from being involved in this case.
3. For Tax and Cost be awarded to the Defendant.
4. For the Plaintiff to be forced to return within 100 miles of the couple's marital residence with the child.
5. for general, punitive damages, attorney's fees, and any other form of equitable relief that the

Defendant may be entitled to.

s/Chris Sevier

44 Music Square East  
Nashville, TN 37203  
BPR#026577  
chris@severerecords.com  
(615) 500 4411

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22th day of October, 2010 through regular mail with adequate postage: To Helan Rogers Esq. at 2204 State Street, Nashville, TN 37203.  
MOTION IS TO BE HEARD ON OCTOBER 29, 2010

STATE OF TENNESSEE

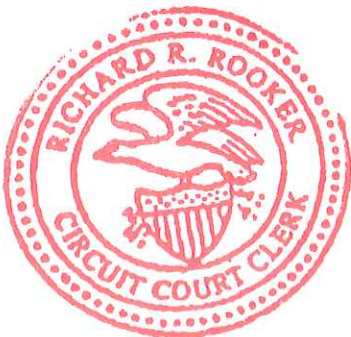
I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the ANSWER heretofore entered in the FOURTH Circuit Court for Davidson County, Tennessee, on the 22 day of OCTOBER, 2010, in the Case Number 10D2466 between SEVIER, BROOKE M. Plaintiff, and SEVIER, MARK C. ET.AL Defendant.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 22 day of MARCH in the year two thousand eleven and in the 234th year of American Independence.

RICHARD R. ROOKER, Clerk,

By C. Hafer  
Deputy Clerk

SEAL

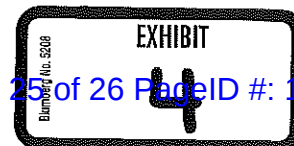


## DAVIDSON COUNTY CIRCUIT COURT

DOCKET # 10D2466  
FILED - 09/02/2010

(1) SEVIER, BROOKE M.  
vs.  
(4) SEVIER, MARK C.  
McGUYER, FRANK  
McGUYER, ANNE  
ROGERS, HELEN

LINE	DATE	DESCRIPTION
1	09/02/2010	DIVORCE COMPLAINT- CHILD 170007*1 476600
2	09/02/2010	TEMPORARY INJUNCTION "EX-A"
3	09/02/2010	PARENTING PLAN OF P1-PROPOSED "EX-B"
4	09/02/2010	SUMMONS PERSONAL SERVICE-D1 W/DC,PSO,TT,PPL
5	09/02/2010	SEALED STATISTICAL INFORMATION
6	09/10/2010	RETURN OF SERVICE-D1-SERVED RT-09.08.10
7	09/09/2010	MOTION 09.17.10 - OF P TO CLOSE JOINT BANK ACCOUNTS
8	09/17/2010	AMENDED COMPLAINT OF P1-LEGAL SEPARATION OR DIVORCE
9	09/17/2010	TEMPORARY INJUNCTION OF P1 "EX-A"
10	09/17/2010	PARENTING PLAN OF P1-PROPOSED "EX-B"
11	09/17/2010	SUMMONS PERSONAL SERVICE-D1 W/AC,TT,PPL
12	09/20/2010	MOTION - OF D TO STAY
13	09/20/2010	MEMORANDUM OF D IN SUPP OF MOTION TO STAY
14	09/22/2010	LETTER SENT TO D'S ATTY/SEVIER - NEED NEW HRG DT ON MT TO STAY
15	09/27/2010	NOTICE OF P OF FILING CERT OF SERVICE OF AM COMPLAINT
16	09/27/2010	EXHIBIT AS "A" CERT OF SERVICE FOR AMENDED COMPLAINT(TO NT)
17	09/27/2010	NOTICE OF P1 OF EMAIL TRANSMISSIONS
18	10/06/2010	NOTICE OF P OF FILING SEMINAR CERTIFICATE
19	10/06/2010	SEMINAR FOR DIVORCING PARENTS (COPY)BROOKE SEIVER 10.04.10(TO NT)
20	09/30/2010	ORDER ALLOWING P1 TO CLOSE JOINT BANK ACCOUNTS
21	10/08/2010	MOTION 10.15.10 - OF P FOR PENDENTE LITE SUPPORT AND HEALTH INSURANCE
22	10/08/2010	EXHIBIT AS "A-E" COPY LTRS/EMAIL/CHILD SUPPORT WKST(TO MOTION)
23	10/11/2010	RESPONSE OF D IN OPP TO P MT FOR PENDENTE LITE SUPPORT & HEALTH INS
24	10/11/2010	MOTION - OF D (EMERGENCY)TO BE HEARD TELEPHICALLY OR THROUGH SKYPE AT ALL HEARINGS OTHERAN THA
25	10/11/2010	MEMORANDUM OF D IN SUPP OF MT(EMERGENCY)TO BE HEARD TELEPHONICALLY OR THROUGH SKYPE AT ALL HEARI
26	10/11/2010	NOTICE (AS MT TO SET)OF D OF HRG(BD)-MT TO STAY/MT TO APPEAR TELEPHONICALLY
27	10/11/2010	EXHIBIT AS COPY DISCHARGE(TO NOTICE)
28	10/14/2010	LETTER SENT TO DEFT - NEED NEW HRG DT FOR MT TO SET
29	10/14/2010	MOTION - OF D (EMERGENCY)TO CONTINUE MOTIONS SET FOR OCTOBER
30	10/14/2010	MEMORANDUM OF D IN SUPP OF(EMERGENCY)MT TO CONT MOTIONS SET IN OCTOBER
31	10/14/2010	EXHIBIT AS "1" COPY EMAIL(TO MOTION)
32	10/15/2010	TRIAL EXHIBIT 1-3 IN BROWN ENVELOPE
33	10/21/2010	AFFIDAVIT OF KEVIN R.WILLIAMS RE:SERVICE
34	10/22/2010	MOTION FOR DEFAULT 10.29.10 - OF P AND ALTERNATIVE RELIEF
35	10/22/2010	AFFIDAVIT OF KEVIN R.WILLIAMS(AS "A" TO MOTION)
36	10/22/2010	EXHIBIT AS "B-D" COPY EMAILS/FAX NOTICES(TO MOTION)
37	10/22/2010	MOTION 10.29.10 - OF D TO RETURN CHILD TO TENNESSEE
38	10/22/2010	MEMORANDUM OF D IN SUPP OF MT TO RETURN CHILD TO TENNESSEE
39	10/22/2010	MOTION 10.29.10 - OF D FOR RECONSIDERATION AND REQUEST FOR INVOLVEMENT OF SPECIAL MATER
40	10/22/2010	MEMORANDUM OF D IN SUPP OF MT FOR RECONSIDERATION & REQ FOR INVOLVEMENT OF SPECIAL MASTERS
41	10/22/2010	CLERK'S NOTE ANSWER AND COUNTER..\$100 ...SHC
42	10/29/2010	ANSWER AND CROSS COMPLAINT (FILED 10.22.10)OF D A/G FRANK McGUYER 482394
43	10/29/2010	RETURN OF SERVICE-D1-NOT FOUND RT-10.15.10
44	10/28/2010	AFFIDAVIT OF KEVIN R WILLIAMS
45	10/29/2010	CONTINUANCE 11.05.10 - OF D TO RETURN CHILD TO TENNESSEE 09:00 - 4
46	10/29/2010	CONTINUANCE 11.05.10 - OF D FOR RECONSIDERATION AND REQUEST FOR INVOLVEMENT OF SPECIAL MATER 09:
47	11/01/2010	NOTICE OF APPEARANCE (CHRIS SEVIER)FOR D
48	11/03/2010	NOTICE OF APPEARANCE (J.STEPHEN MILLS)FOR D1
49	10/28/2010	ORDER AS TO P1 MOTION FOR PENDENTE LITE SUPPORT AND HEALTH INSUR
50	11/05/2010	MOTION - OF D1 TO ENFORCE INJUNCTION CONCERNING CONFISCATION OF PROPERTY
51	11/05/2010	MEMORANDUM OF D IN SUPP OF MT TO ENFORCE INJUNCTION CONCERNING CONFISCATION OF PROPERTY
52	11/05/2010	MOTION - OF D1 TO SUPPRESS EVIDENCE OR MOTION IN LIMINE
53	11/05/2010	MOTION - OF D1 (INC IN MT) (RULE 59)FOR RECONSIDERATION
54	11/05/2010	MEMORANDUM OF D1 IN SUPP OF MT TO SUPPRESS OR MT IN LIMINE
55	11/05/2010	MEMORANDUM (INC IN MEMO)OF D1 IN SUPP OF MT FOR RECONSIDERATION
56	11/08/2010	LETTER SENT TO D'S ATTYS - NEED NEW HRG DT ON MOTIONS
57	11/10/2010	TRIAL EXHIBIT 1 IN BROWN ENVELOPE
58	11/09/2010	ORDER D1 TO FILE RESPONSE TO COMPLAINT; PARTIES TO ENTER INTO AGREED SCHEDULING ORDER
59	11/17/2010	ORDER DENY D1 MOTION TO REQUIRE P1 AND MINOR CHILD TO RETURN TO TNAND MOTION TO RECONSIDER CHIL
60	11/24/2010	MOTION - OF P FOR MEDIATION AND FOR SCHEDULING ORDER
61	11/24/2010	EXHIBIT AS "A" COPY LETTER(TO MOTION)
62	11/24/2010	MOTION - OF P TO COMPEL DISCOVERY RESPONSES
63	11/24/2010	EXHIBIT AS "A-B" COPY DISCOVERY/LTR(TO MOTION)
64	12/03/2010	MOTION 01.21.11 - OF P FOR RULE 11 SANCTIONS
65	12/03/2010	EXHIBIT AS "A-E" COPY LETTERS/EMAILS(TO MOTION)
66	12/03/2010	NOTICE OF HEARING 01.21.11 - OF P FOR MEDIATION AND FOR SCHEDULING ORDER 09:00 - 4
67	12/03/2010	NOTICE OF HEARING 01.21.11 - OF P TO COMPEL DISCOVERY RESPONSES 09:00 - 4
68	12/27/2010	MOTION 01.21.11 - OF P (AMENDED)TO COMPEL DISCOVERY RESPONSES
69	12/27/2010	EXHIBIT AS "A-C" COPY DISCOVERY/LTR(TO AM MOTION)
70	01/04/2011	MOTION - OF P FOR AN IMMEDIATE & EX PARTE RESTRAINING ORDER AND EXCLUSIVE POSSESSION





71 | 01/04/2011 | EXHIBIT AS "1" COPY EMAILS( TO MOTION)  
 72 | 01/04/2011 | AFFIDAVIT OF FRANK MCGUYER(AS "2" TO MOTION)  
 73 | 01/04/2011 | EXHIBIT COLOR PHOTO( TO AFFIDAVIT-F.McGUYER)  
 74 | 01/04/2011 | AFFIDAVIT OF BROOKE MCGUYER SEVIER(AS "3" TO MOTION)  
 75 | 01/04/2011 | EXHIBIT COLOR PHOTO( TO AFFIDAVIT-B.SEVIER)  
 76 | 01/04/2011 | COURT DATE 01.13.11 - 4 - 9:00 AM 15 MIN/SIDE  
 77 | 01/04/2011 | RESTRAINING ORDER A/G D1  
 78 | 01/04/2011 | SUMMONS PERSONAL SERVICE-D1 W/ROM  
 79 | 01/10/2011 | MOTION 02.04.11 - OF P TO WAIVE MEDIATION AND FOR PSYCHOLOGICAL EXAMINATION  
 80 | 01/11/2011 | RETURN OF SERVICE-D1-SERVED RT-01.05.11 CT-01.13.11  
 81 | 01/11/2011 | MOTION 02.04.11 - OF P TO QUASH 1st SET OF INTERROGATORIES  
 82 | 01/11/2011 | EXHIBIT AS "A" COPY 1st SET INTERROGATORIES( TO MOTION)  
 83 | 01/13/2011 | NOTICE OF P OF FILING TRANSCRIPT OF 01.13.11 4TH CT HRG  
 84 | 01/13/2011 | TRANSCRIPT (COND)OF 01.13.11 4th CIRCUIT HRG(AS "A" TO NT)  
 85 | 01/13/2011 | TRIAL EXHIBIT 1-12 IN ACCORDIAN FILE  
 86 | 01/18/2011 | NOTICE OF HEARING 02.04.11 - OF P TO WAIVE MEDIATION AND FOR PSYCHOLOGICAL EXAMINATION 09:00 - 4  
 87 | 01/18/2011 | NOTICE OF HEARING 02.04.11 - OF P TO QUASH 1st SET OF INTERROGATORIES 09:00 - 4  
 88 | 01/18/2011 | NOTICE INSURANCE COVERAGE OF P  
 89 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P TO COMPEL DISCOVERY RESPONSES 09:00 - 4  
 90 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P FOR MEDIATION AND FOR SCHEDULING ORDER 09:00 - 4  
 91 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P FOR RULE 11 SANCTIONS 09:00 - 4  
 92 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P TO WAIVE MEDIATION AND FOR PSYCHOLOGICAL EXAMINATION 09:00 - 4  
 93 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P TO QUASH 1st SET OF INTERROGATORIES 09:00 - 4  
 94 | 01/19/2011 | NOTICE OF HEARING 02.18.11 - OF P (AMENDED)TO COMPEL DISCOVERY RESPONSES 09:00 - 4  
 95 | 01/14/2011 | ORDER P1 GRANTED POSSESSION OF MJOR CHILD/D1 ENJOIN-RESTRAINED/JURISDICTION IN TN  
 96 | 01/25/2011 | CERTIFICATE OF READINESS OF P - 1 DAY  
 97 | 01/25/2011 | NOTICE OF P OF FILING 01.13.11 HRG TRANSCRIPT  
 98 | 01/25/2011 | TRANSCRIPT (BOUND)OF 4th CT 01.13.11 HRG  
 99 | 01/26/2011 | MOTION TO SET 02.18.11 - OF P FINAL HEARING  
 100 | 01/26/2011 | CERTIFICATE OF READINESS (COPY)OF P( TO MT TO SET)  
 101 | 02/18/2011 | NOTICE OF D1 OF FILING 1st AM CROSS-COMPLAINT(ADD DEFTS)  
 102 | 02/18/2011 | AMENDED COMPLAINT (CROSS)OF D1 FOR SEPARATION OR DIVORCE FACTS  
 103 | 02/18/2011 | EXHIBIT AS "O-Z" COPY( TO 1st AM CROSS-COMPLAINT) (IN 2 EXPANDABLES)  
 104 | 02/22/2011 | MOTION 03.25.11 - OF P (FIRST)FOR RULE 11 SANCTIONS  
 105 | 02/22/2011 | EXHIBIT AS "A-E" COPY LTRS/EMAILS( TO MOTION)  
 106 | 02/22/2011 | MOTION 03.25.11 - OF P (SECOND)FOR RULE 11 SANCTIONS  
 107 | 02/22/2011 | EXHIBIT AS "A" COPY LETTER( TO MOTION)  
 108 | 02/18/2011 | TRIAL EXHIBIT 1 IN BROWN ENVELOPE  
 109 | 03/01/2011 | MOTION 03.25.11 - OF D FOR RECUSAL  
 110 | 03/01/2011 | MEMORANDUM OF D IN SUPP OF MT FOR RECUSAL  
 111 | 03/11/2011 | MOTION 03.25.11 - OF P (RULE 37.02)FOR SANCTIONS  
 112 | 03/11/2011 | EXHIBIT AS "A-G" COPY DISCOVERY/LTR/MT/TRANSCRIPT( TO MOTION)  
 113 | 03/11/2011 | MOTION 03.25.11 - OF D (RULE 14)TO ACCEPT COMPLAINT OR TO PERFECT COMPLAINT BY ALLOWING NECESSA  
 114 | 03/11/2011 | MEMORANDUM OF D1 IN SUPP OF(RULE 14)MT TO ACCEPT COMPLAINT OR PERFECT COMPLAINT BY ALLOWING NECE  
 115 | 03/11/2011 | MOTION 03.25.11 - OF D (EMERGENCY)TO RESET OR TO CONTINUE HEARING SET 03.25.11  
 116 | 03/11/2011 | MEMORANDUM OF D1 IN SUPP OF(EMERGENCY)MT TO RESET OR CONTINUE 03.25.11 HRGS  
 117 | 03/11/2011 | NOTICE OF P OF FILING TRANSCRIPT OF 02.18.11 HEARING  
 118 | 03/11/2011 | TRANSCRIPT (BOUND)OF 02.18.11 4th CIRCUIT HEARING  
 119 | 03/07/2011 | ORDER WAIVE MEDIATION/DENY MT TO SET/COMMUNICATE BY USPS  
 120 | 03/14/2011 | RESPONSE OF P TO D MOTION FOR RECUSAL  
 121 | 03/14/2011 | MEMORANDUM (INC IN RESP)OF P IN SUPP RESP TO MT TO RECUSE  
 122 | 03/14/2011 | EXHIBIT AS COPY TEXAS WARRANT( TO RESPONSE)  
 123 | 03/16/2011 | NOTICE OF D1 OF FILING REMOVAL W/U.S.DISTRICT COURT  
 124 | 03/16/2011 | EXHIBIT AS COPY NOTICE OF REMOVAL( TO NOTICE)